IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14429 of 1994

Between:

1 Papakayala Raja Rao Son of Subba Rao
R/O. Thirupathi village, Peddapuram Mandal,
E.G. Dist.
2 Papakayala Subba Lakshmi Wife of Raja Rao
R/O. Thirupathi village, Peddapuram Mandal,
E.G. Dist.
3 Papakayala Parvathi Wife of Thirupathi Rao
R/O. Thirupathi village, Peddapuram Mandal,
E.G. Dist.

..... PETITIONERS

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Land Acquisition Officer and Mandal Revenue Officer,

Peddapuram, E.G. Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ declaring the action of the respondents in not referring our application u/s. 18 of L.A. Act to the competent court as arbitrary, illegal, violative of Art. 14, 21, 300A of the Constitution of India and issue a consequential direction to forthwith refer our application under section 18 of L.A. Act to the competent court.

Counsel for the Petitioner: MR.A.GIRIDHAR RAO

Counsel for the Respondents: G.P. FOR REVENUE

The Court made the following:

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W.P.No.14429 of 1994

ORDER:

Heard both sides.

The petitioners seek a Writ of Mandamus for a direction to the respondents herein to refer their application under Section 18 of the Land Acquisition Act, to the competent Civil Court for enhancement of compensation.

According to the petitioner, an award was passed on 05-03-1989 by the Land Acquisition Officer and Mandal Revenue Officer, Peddapuram and the petitioners presented their application under Section 18 of Land Acquisition Act for reference to competent Court on 04-05-1991 for enhancement of compensation. In the mean while, there have been some payments made to the petitioners in instalments and therefore no orders have been passed in the application filed by them. Hence, the writ petition.

Considering the submissions made on either side and also on perusal of the material available on record it is seen that *prima facie* the application filed by the petitioners is beyond the time prescribed under Section 18 of the Land Acquisition Act. Hence, I do not find any ground to grant any relief to the petitioners.

Accordingly, the Writ Petition is dismissed. No costs.

B. Prakash Rao,J.

16th July, 2004.

lsn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, East Godavari District, Kakinada.
2 The Land Acquisition Officer and Mandal Revenue Officer,

Peddapuram, E.G. Dist.

3. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4. Two CD copies